

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas Gilbert et al.

Patent No: 7,108,495
Issued: September 19, 2006

Serial No: 09/967,224
Filed: September 28, 2001

For: Apparatus for Continuous Forming Shaped Polymeric Articles

Mail Stop: Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

APPLICATION FOR A REVISION OF THE PATENT TERM ADJUSTMENT

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN
THE U.S. PATENT, U.S. 7,108,495 B2, UNDER MPEP 2735 AND 37 CFR 1.703(a)(6)

Please charge the fee of \$200.00 set forth in 37 C.F.R. §1.18(e) to deposit account
number 04-1679.

This is a request for reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(d), which provides that if there is a revision of the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. Further, MPEP 2735 states, in part, Since the Office is obligated to provide a determination of patent term adjustment in the notice of allowance, the Office must project (or estimate) the actual patent issue date and base its determination of patent term adjustment on that projection.

Accordingly, **Exhibit A** is a copy of the top page of U.S. 7,108,495 B2 indicating a patent term adjustment of 46 days. The issue date is September 19, 2006.

Further, 37 C.F.R. § 1.705(d) provides that if the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent should be filed within two months of the date the patent issued.

Accordingly, this request for reconsideration is filed within two months of the issue date September 19, 2006 for U.S. Patent 7,108,495, Exhibit A.

Further, 37 C.F.R. § 1.705(d) provides that any request for reconsideration of the patent term adjustment indicated in the patent must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section.

Thus, 37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by (1) the fee set forth in §1.18(e).

Accordingly, a deposit account charge authorization is submitted herewith for charging the fee set forth in 37 C.F.R. §1.18(e) to deposit account number 04-1679.

Further, 37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by (2) a statement of the facts involved, specifying:

(i) The correct patent term adjustment and the basis or bases under §1.702 for the adjustment, (ii) The relevant dates as specified in §§ 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in §1.703(f) to which the patent is entitled.

Accordingly, reference will now be made to **Exhibit B**, a copy of an Internet page* viewed in "PUBLIC PAIRS" at the website, *uspto.gov*, wherein a mouse click selection is applied to the illustrated tab entitled, "Patent Term Adjustment," for US Patent 7,108,495 of Exhibit A.

*(http://portal.uspto.gov/external/portal/!ut/p/_s.7_0_A/7_CH/.cmd/ad/.ar/sa.getBib/.ps/N.c/6_0_.ce/7_0_3AB/.p/5_0_341/.d/2?selectedTab=...)

Attention is directed to Exhibit B that has the following entries viewed in PAIRS under the heading, "**Patent Term Adjustment History.**"

<u>Date</u>	<u>Contents Description</u>
09-19-2006	Patent Issue Date Used in PTA Calculation
11-01-2004	Issue Fee Payment Received
11-10-2004	Reverse Issue Fee
11-10-2004	Issue Fee Payment Received.

Further, Exhibit B has the following entries viewed in PAIRS under the heading, **“Patent Term Adjustment.”**

<u>Column One</u>	<u>Column Two</u>
Issue Date of Patent: 09-19-2006	USPTO Delay (PTO) Delay (days): 77
	Applicant Delay (APP) Delay (days): 31
	Total Patent Term Adjustment (days): 46

37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by: (2) a statement of the facts involved, specifying: (i) The correct patent term adjustment. Accordingly, the correct patent term adjustment should be, as follows:

<u>Column One</u>	<u>Column Two</u>
Issue Date of Patent: 09-19-2006	USPTO Delay (PTO) Delay (days): 557
	Applicant Delay (APP) Delay (days): 31
	Total Patent Term Adjustment (days): 526

37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by: (2) a statement of the facts involved, specifying: (ii) the relevant dates as specified in §§ 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in §1.703(f) to which the patent is entitled. Attention is directed to

§1.703(f) which states in part, that the date indicated on any certificate of mailing or transmission under §1.8 shall not be taken into account in this calculation.

Accordingly, the relevant dates specified in §§ 1.703(a) through (e) for which an adjustment is sought is described as follows: Under § 1.703 (a) the period of adjustment under § 1.703(a)(6) is the number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

The period of adjustment is determined by application of 37 C.F.R. 1.703(a)(6), to the **“Patent Term Adjustment History” of Exhibit B**, above, according to which, the period is “the period beginning on the day [03-11-2005] after the date [03-10-2005] that is four months after the date [11-10-2004] that the issue fee was paid and all outstanding requirements were satisfied and ending on the date [09-19-2006] a patent was issued.” Accordingly, the period of adjustment should be 557 days** beginning on the day 03-11-2005 and ending on the date 09-19-2006. The number of days is calculated as follows:

**begin 03-11-2005 end 03-11-2006=	365 days
begin 03-12-2006 end 03-31-2006=	020 days
begin 04-01-2006 end 04-30-2006=	030 days
begin 05-01-2006 end 05-31-2006=	031 days
begin 06-01-2006 end 06-30-2006=	030 days
begin 07-01-2006 end 07-31-2006=	031 days
begin 08-01-2006 end 08-31-2006=	031 days
<u>begin 09-01-2006 end 09-19-2006=</u>	<u>019 days</u>
total days	557 days

Further, 37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by (2) a statement of the facts involved, specifying: (iii) whether the patent is subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer.

Accordingly, the facts indicated by Exhibit B indicate that no terminal disclaimer was filed, and the patent is not subject to a terminal disclaimer.

Further, 37 C.F.R. § 1.705(b) provides that an application for patent term adjustment under this section must be accompanied by (2) a statement of the facts involved, specifying: (iv)(A) Any circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704; or (B) That there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704.

Accordingly, the facts indicated by Exhibit B indicate a lack of any circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704, and that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: November 6, 2006

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US007108495B2

(12) **United States Patent**
Gilbert et al.

(10) **Patent No.:** **US 7,108,495 B2**
(45) Date of Patent: **Sep. 19, 2006**

(54) **APPARATUS FOR CONTINUOUS FORMING SHAPED POLYMERIC ARTICLES**

(75) Inventors: **Thomas Gilbert**, Clark Lake, MI (US);
Kenneth D. Bosler, Holland, PA (US);
Edward C. Dell, Spring Arbor, MI (US)

(73) Assignee: **CertainTeed Corporation**, Valley Forge, PA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 46 days.

(21) Appl. No.: **09/967,224**

(22) Filed: **Sep. 28, 2001**

(65) **Prior Publication Data**

US 2002/0033563 A1 Mar. 21, 2002

Related U.S. Application Data

(62) Division of application No. 09/190,038, filed on Nov. 12, 1998, now Pat. No. 6,319,456.

(51) **Int. Cl.**
B29C 35/14 (2006.01)
B29C 51/42 (2006.01)

(52) **U.S. Cl.** **425/71; 425/326.1; 425/378.1; 425/384; 264/519**

(58) **Field of Classification Search** **425/71, 425/73, 326.1, 387.1, 445, 446, 384, 388, 425/342.1, 343, 224; 264/519, 562, 571**
 See application file for complete search history.

(56) **References Cited**

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(Continued)

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Letter from inventor's representative dated Jun. 14, 2004.

Primary Examiner—Robert Davis

Assistant Examiner—Thu Khanh T. Nguyen

(74) *Attorney, Agent, or Firm*—Duane Morris LLP

(57) **ABSTRACT**

This invention relates to methods and apparatus for manufacturing shaped polymeric articles by substantially continuous vacuum forming. The method includes providing a sheet of hot polymeric material which is disposed onto a rotating belt having a mold impression. Vacuum pressure is applied to the polymeric material through the belt so as to draw the hot polymeric material into intimate contact with the mold impression to form a patterned sheet portion and a remaining sheet portion. This method thereafter cools at least the patterned sheet portion below a heat deflection temperature of the polymeric material, forms the remaining sheet portion, and then cools the remaining sheet portion below the heat deflection temperature so that features other than the central pattern, such as nail and butt edges, can be mechanically worked into the polymeric sheet.

9 Claims, 4 Drawing Sheets

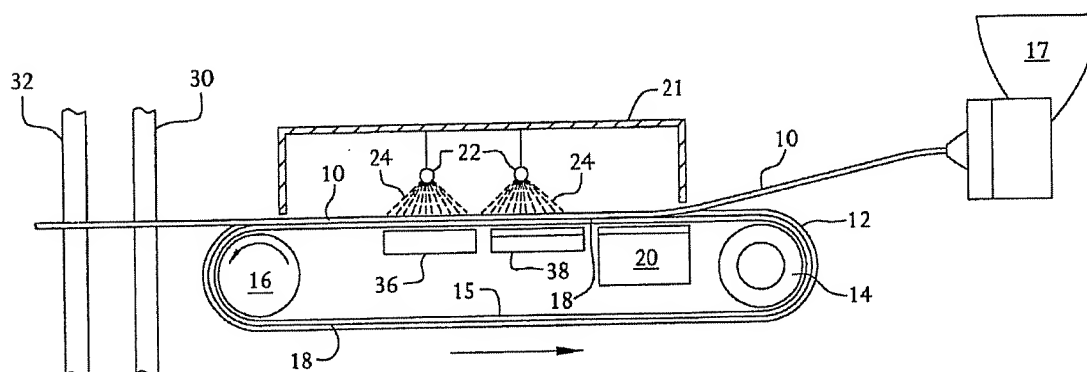


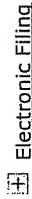
EXHIBIT B



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09/967,224 APPARATUS FOR CONTINUOUS FORMING SHAPED POLYMERIC ARTICLES



Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Published Documents	Fees	Publication Dates	Address & Attorney/Agent
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Patent Term Adjustment

Filing or 371(c) Date:	09-28-2001	USPTO Delay (PTO) Delay (days):	77
Issue Date of Patent:	09-19-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	31
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	46
USPTO Adjustment(days):	+0	Explanation Of Calculations:	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
09-19-2006	Patent Issue Date Used in PTA Calculation		
08-18-2006	Receipt into Pubs		
08-07-2006	Workflow - File Sent to Contractor		
11-01-2004	Issue Fee Payment Received		
11-10-2004	Reverse Issue Fee		

11-10-2004	Issue Fee Payment Received
07-30-2004	Mail Notice of Allowance
09-28-2001	Reference capture on IDS
07-28-2004	Notice of Allowance Data Verification Completed
06-18-2004	Information Disclosure Statement (IDS) Filed
06-30-2004	Date Forwarded to Examiner
06-18-2004	Request for Continued Examination (RCE)
06-30-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
06-18-2004	Workflow - Request for RCE - Begin
06-18-2004	Record Petition Decision of Granted to Withdraw from Issue - with assigned Patent NO.
06-18-2004	Withdrawal Patent Case from Issue
06-18-2004	Petition Entered
06-03-2004	Issue Notification Mailed
06-22-2004	Patent Issue Date Used in PTA Calculation
05-21-2004	Receipt into Pubs
09-28-2001	Workflow - Drawings Finished
05-03-2004	Issue Fee Payment Verified
05-18-2004	Application Is Considered Ready for Issue
09-28-2001	Workflow - Drawings Finished
05-03-2004	Issue Fee Payment Verified
05-03-2004	Miscellaneous Incoming Letter
05-03-2004	Issue Fee Payment Received
04-12-2004	Receipt into Pubs
02-24-2004	Receipt into Pubs
02-23-2004	Workflow - File Sent to Contractor
02-02-2004	Mail Notice of Allowance
01-28-2004	Notice of Allowance Data Verification Completed
01-28-2004	Case Docketed to Examiner in GAU

11-25-2003	IFW Amended case processing Complete	
11-25-2003	Claims PTO	
11-21-2003	Date Forwarded to Examiner	
11-12-2003	Request for Continued Examination (RCE)	
11-21-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
11-12-2003	Workflow - Request for RCE - Begin	
11-04-2003	Mail Advisory Action (PTOL - 303)	
10-31-2003	Advisory Action (PTOL-303)	
10-27-2003	Date Forwarded to Examiner	
10-14-2003	Amendment after Final Rejection	
08-12-2003	Mail Final Rejection (PTOL - 326)	
08-07-2003	Final Rejection	
06-23-2003	Date Forwarded to Examiner	
06-13-2003	Response after Non-Final Action	31
06-13-2003	Request for Extension of Time - Granted	⚡
02-13-2003	Mail Non-Final Rejection	77
02-10-2003	Non-Final Rejection	⚡
08-06-2002	Case Docketed to Examiner in GAU	⚡
09-28-2001	Preliminary Amendment	⚡
09-28-2001	Information Disclosure Statement (IDS) Filed	⚡
10-30-2001	Application Dispatched from OIPE	⚡
10-29-2001	Correspondence Address Change	⚡
10-12-2001	IFW Scan & PACR Auto Security Review	⚡
09-28-2001	Initial Exam Team nn	⚡

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